

"Section 5.48. Answer, reply and plat. Any person whose property has been taken by the city by the filing of a complaint and deposit of estimated compensation may within the time hereinafter set forth file an answer to the complaint praying for a determination of just compensation. Said answer shall, in addition, contain the following:

(1) Such admissions or denials of the allegations of the complaint as are appropriate.

(2) The names and addresses of the persons filing said answer, together with a statement as to their interest in the property taken.

(3) Such affirmative defenses or matters as are pertinent to the action.

A copy of the answer shall be served on the city manager, or such other process agent as may be designated by the council, provided that failure to serve the answer shall not deprive the answer of its validity. The affirmative allegations of said answer shall be deemed denied. The city may, however, file a reply within thirty (30) days from receipt of a copy of the answer.

The city, within ninety (90) days from the receipt of the answer shall file in the cause a plat of the land taken and such additional area as may be necessary to properly determine the damages, and a copy thereof shall be mailed to the parties or their attorney.

"Section 5.49. Time for filing answer. Any person named in and served with a complaint shall have four (4) months from the date of service thereof to file answer. Failure to answer within said time shall constitute an admission that the amount deposited is just compensation and shall be a waiver of any further proceeding to determine just compensation; in such event the judge shall enter final judgment in the amount deposited and order disbursement of the money deposited to the owner. For good cause shown and upon notice to city the judge may within the initial four months' period extend the time for filing answer for a period not to exceed an additional two (2) months.

"Section 5.50. Determination of issues other than damages. After the filing of the plat, the judge, upon motion and ten (10) days' notice by either the city or the owner, shall, either in or out of term, hear and determine any and all issues raised by the pleadings other than the issue of damages, including, but not limited to, if controverted, questions of necessary and proper parties, title to the land, interest taken, correctness of the map, and area taken.

"Section 5.51. Appointment of commissioners. Upon request of the owner in the answer, or upon motion filed by either the city or the owner within sixty (60) days after the filing of answer, the Clerk of Superior Court shall appoint, after the determination of other issues as provided by Section 5.50 of this Article, three competent, disinterested freeholders residing in the county to go upon the property and under oath appraise the damage to the land sustained by reason of the taking and report same to the court within a time certain. If no request or motion is made for the appointment of commissioners within the time permitted, the cause shall be transferred to the civil issue docket for trial at term as to the issue of just compensation.

Such commissioners, if appointed, shall have the power to make such inspection of the property, hold such hearings, swear such witnesses, and take such evidence as they may, in their discretion, deem necessary, and shall file with the court a report of their determination of the damages sustained.